

SUPREME COURT OF UNITED STATES  
AFFIRMS BERA COLLEGE CASE

Rules that Kentucky Legislature Had Right to Prevent Co-Education of the White and Black Races.

WASHINGTON, Nov. 10.—In deciding the case of Berea College vs. the State of Kentucky favorably to the State, the Supreme Court of the United States yesterday held that the States of the Union may constitutionally legislate to prevent the co-education of the white and black races.

The case was instituted to test the validity of the State law of 1904, prohibiting white and colored students from attending the same schools.

## Races Naturally Antagonistic.

The higher State court took the position that white and black races are naturally antagonistic and that the enforced separation of the children of the two is the line of the preservation of the peace.

The opinion of the Supreme Court was handed down by Justice Brewer and affirmed the finding of both the Kentucky Circuit Court and the Court of Appeals. Justices Harlan and Day dissented.

## Calan Zone Case Decided.

Whether persons residing in the canal zone are under the immediate protection of the Constitution of the United States was the principal question involved in the case of Adolphus Coulson vs. the Government of the Canal Zone, which was dismissed yesterday by the Supreme Court of the United States.

Coulson was indicted and found guilty on the charge of murdering his wife at Gargena, in January, 1907, and was subsequently sentenced to be hanged. He appealed from the trial court to the Supreme Court of the Zone, and there his principal defense was that on his trial he had been denied a jury, to which he claimed he was entitled to under the Federal Constitution.

## Claimed Right to Jury.

Thus was raised the question as to the status of the zone in criminal proceedings. It was contended on behalf of Coulson that Zone belongs to the United States and that as the territory is part of this country the government and the citizens are both under the authority of the Constitution with their respective rights defined.

Hence it was argued that the Federal government can exercise no power over the personal liberty or property of an individual beyond what the Constitution confers, nor deny any rights which the Constitution reserves, including that of a jury trial.

## Zone Court is Affirmed.

The zone court refused to accept this interpretation, contending that the Zone "is territory in the use and occupation of the United States, under its control, but not such territory that the constitution would be legislative, in and of its own force, carry its rights, privileges and limitations," and the dismissal of the case has the effect of affirming that ruling.

MR. R. H. WINN SAYS  
HE WANTS NO OFFICE

Chairman of Republican State Committee Stops in City Few Hours.

Mr. R. H. Winn, of Mt. Sterling, was here Tuesday morning on his way from Richmond. Mr. Winn is chairman of the Republican State Central Committee and of the 10th district committee. Being at the head of the Republican organization in the State he will be a potent factor in the distribution of Federal patronage.

He declined to be interviewed on any particular question. In a general way, he said that he would not consider the matter of appointments until the time came for them to be made.

Mr. Winn is an exception for a Kentuckian. He wants no office and objects to being called Colonel.

SPECIAL TERM OF  
THE FEDERAL COURT

Judge Cochran Will Try Damage Suits Against Government in January.

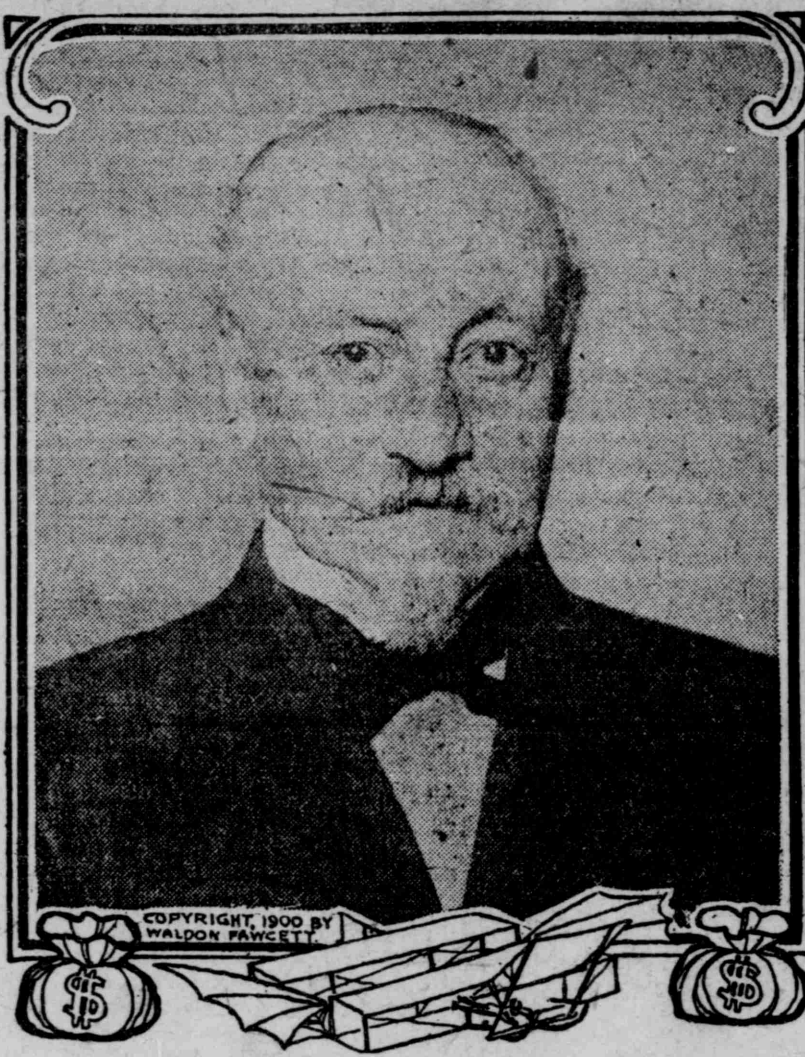
RICHMOND, Ky., Nov. 10.—Judge Cochran in the Federal Court here yesterday ordered a special term of court beginning the fourth Monday in January to try the various cases now pending arising out of claims for damages to land by reason of the overflow of the Kentucky river caused by the building of the numerous locks in the river by the United States.

After the usual preliminaries of procedure the grand and petit juries were empaneled. The Judge's instructions to the grand jury were to the effect that they would have no special investigations to make, and the nature of all cases before them would be mostly along the lines of the illicit sale and making of liquor. There are more than thirty moonshining and one or two seizure cases of importance which will probably be tried at this term.

## PROPERTY FOR WIDOW.

PARIS, Ky., Nov. 10.—The will of Jas. Hillcock, as probated in the Nicholas county court, leaves all his city real estate and personal property to his widow, Mrs. Alma Hillcock, who is named as executrix without bond. His county estate near head quarters is devised to his grand children and the widow of his deceased son.

Mr. T. G. Bradley, of Lexington, was in town Sunday.



OCTAVE CHANUTE, PROMOTER OF THE AEROPLANE.

Octave Chanute of Chicago is an engineer who has been interested in aerial navigation for many years and has recently offered a prize for an aeroplane that will fly. Mr. Chanute is a Frenchman, born in Paris in 1832, but he has lived in America since infancy and has been connected with many engineering operations in various parts of the country.

DISMISSES THE CASE  
AGAINST SALOONMAN

Judge Pendleton Holds Evidence Produced by Prof. Taylor is Not Sufficient to Prove Offense of Selling Liquor to a Minor.

Probably the largest crowd that has ever been seen in the police court room of this city was that of Monday night to hear the trial of seven of the leading saloon men of this city, charged with violating the liquor law by selling beer to Roger Green, of Mt. Sterling, a minor and a student at Kentucky Wesleyan College. Young Green is not a drinking man, but, in fact, is a total abstainer and did not buy the beer for his own purpose, but at the request of Prof. H. K. Taylor, President of Kentucky Wesleyan College for the purpose of making a test to see if the saloon keepers would sell to a minor and if they did to indict them.

Prof. Taylor claims to have evidence of many violations of the law by the saloon keepers selling to minors and college students, and says that he took this step to get proof that could be used in court against the saloon keepers.

## First Case Called.

The first case called was the one against J. W. Porter, who runs a saloon at the corner of Washington and Maple streets. Young Green was the first witness to take the stand. He testified that on the night of October 30th last, he accompanied by Prof. Taylor, went to Porter's saloon and that Prof. Taylor gave him the money and told him to go in and get a bottle of beer and bring it out to him. This the boy says he did, says he called for beer and got a bottle of something and brought it out and gave it to Prof. Taylor but could not say whether it was beer or not as he did not open it.

## Prof. Taylor Called.

Prof. Taylor testified that he did not see the boy enter the saloon or come out; but that the boy gave him the beer and said that he got it at Porter's.

Green was then asked if he could identify the one who sold him the beer and said he did not know. Mr. Porter, the proprietor of the place, was then pointed out to him and he said positively that he was not the one, that the man who waited on him was clean chaven. The two bartenders were then pointed out to him, Jack Porter and Will Webb, but he could not say whether either of them was the one.

## Makes Point of Law.

After the boy had testified positively that Mr. Porter, the proprietor of the place, did not sell him the bottle, the attorneys for the defense then brought on the question as to whether the principal was responsible for the acts of his agents, as in this

case Mr. Porter was the principal and the two bartenders his agents. The two bartenders testified that Mr. Porter had particularly warned them not to sell to a minor.

## Court Dismisses Case.

After a wrangle between the attorneys on the question whether or not the principal was to be held responsible for the acts of his agents, after he had warned them against selling to a minor, the court dismissed the case, saying that sufficient evidence had not been produced to convict the principal or his agents as the boy said he could not say for sure which one sold him the liquor, and the bartenders denied selling to him.

## The Bottle Disappears.

Some more evidence that might have assisted Prof. Taylor in his prosecution would have been the producing of the bottle in court. But this could not be done as after the boy would bring the bottles out of each place, Prof. Taylor marked it to show which place it came from and saved it to produce it as evidence, but the first night the case was set for trial, Prof. Taylor brought the bottles to the police court room and the trial was postponed. Prof. Taylor left the bottles in the court room but they disappeared and therefore could not be produced.

## But One Case Tried.

But one case of the seven was tried Monday night. The same decision would have applied to all six others but the prosecuting attorneys asked for time until Thursday night so that they may have an opportunity to look up some authority on some similar cases that might be contrary to Judge Pendleton's ruling in the matter. If some further evidence is not produced, the same ruling will be applied to all the other six cases.

Nearly every attorney in the city is employed either on one side or the other, as each of the saloon men have a separate attorney. Mr. Stephen T. Davis and A. F. Byrd of the firm of Byrd and Davis represented Mr. Porter and E. S. Jouett and Judge J. Smith Hays assisted City Attorney, F. H. Haggard, in the prosecution. The following is a list of the saloon men that are charged with the offense: T. L. Nunan, George Bros., W. G. Rice, John F. Nunan, Robert Profit, J. W. Porter, Jesse Spencer and Jones & Black.

Mr. Roscoe Pharis and Master Johnnie Rice were in Lexington, last night.

NORTH DAKOTA  
TAKES WATER

Monster Battleship Launched at Noon Today—Large Crowd is Present.

Quincy, Mass., Nov. 10.—Amid the shrieking of steam whistles, the flapping of flags and the cheers of a crowd of invited guests and shipyard officials and employes the new battleship North Dakota slid off the ways here at noon today.

As the great vessel quivered before taking her first plunge into the water Miss Mary L. Benton of Fargo, N. D., native daughter of the state from which the battleship takes her name, broke over her bow a bottle of champagne, declaring as she did so, "I name thee North Dakota."

Among the invited guests who witnessed the launching of the battleship was John Burke, the newly re-



JOHN BURKE.

Governor of State For Which Warship is Named.

electd governor of North Dakota. The launching of the North Dakota means the introduction of a new type of warship in the American navy. She will be the first American all-big-gun battleship or real Dreadnought to fly the stars and stripes.

The North Dakota, which is similar in all respects to the Delaware, which is under construction at Newport News, Va., will have a long forecastle deck extending from the bow almost to the center of the ship. The ten twelve-inch guns are arranged in five turrets, two to a turret, the forward turret being so located that the axes of its guns are twenty-four feet above the water line, and just abaft the turret is another, the barbette of which



MARY F. BENTON.

Fargo Girl Who Christened the North Dakota.

is of sufficient height for its guns to clear the roof of the forward turret.

Abaft the break of the forecastle deck and also situated on the axis of the ship are two more twelve-inch gun turrets, the guns of the forward turret in this pair firing over the roof of the after turret. Abaft and near the stern is the fifth and last of the big turrets. Naval men declare that no navy in the world possesses a ship of the Dreadnought type in which the guns are better arranged.

For repelling torpedo attack the North Dakota will carry a secondary battery of fourteen five-inch guns. These guns are all mounted broadside. The vessel will be driven by turbines and is expected to attain a maximum speed in excess of 21 knots an hour.

## Fatal Streetcar Accident.

Montgomery, Ala., Nov. 10.—In a streetcar collision two negroes were killed and four white persons injured.

ATTORNEY KILLS  
FORMER SENATOR

Edward Carmack Falls in Street Duel—Caustic Editorials the Cause.

Nashville, Tenn., Nov. 10.—Former Senator, Edward Ward Carmack, editor of the Tennessean, was shot and killed in front of the Polk flats by Robin Cooper, a son of Colonel Duncan B. Cooper. Mr. Carmack was going north on Seventh avenue, in front of the Polk flats, and Colonel Cooper and his son Robin were approaching Seventh avenue on Union street. Soon after they came in sight of one another the shooting began. Robin Cooper, it is said, fired two shots, and Senator Carmack once. Colonel Duncan B. Cooper, it is said, drew his pistol, but it is said did not fire. Senator Carmack fell to the ground, dying instantly. Robin Cooper was shot in the right shoulder, but was not badly hurt.

It is understood that the trouble is one of the results of the recent Democratic gubernatorial primary, in which Carmack was defeated. Carmack has, since he has been editor of



EDWARD W. CARMACK, Former Senator Who Lost Life in Street Duel.

the Tennessean, been quite caustic in criticizing what he called the Democratic machine, and has had several editorials about Colonel Cooper.

Within the past few days, it is said, Colonel Cooper notified Carmack that these editorial criticisms must cease. Another editorial reference to Colonel Cooper appeared in the Tennessean, and this is supposed to have been the immediate cause of the trouble.

As soon as Senator Carmack fell on the edge of the street Colonel Duncan Cooper put his arm around Robin Cooper and both walked a few feet down Seventh avenue to Dr. R. G. Fort's office, where the slight wound in his shoulder was examined and the wound treated. Dr. Fort stated that the wound was very slight.

Young Cooper later was carried to a hospital and Colonel Cooper is held at police headquarters. He has made no statement. Robin Cooper is a practicing attorney-at-law, 27 years old and single.

## ARMY WAR COLLEGE

Is Dedicated in Presence of Distinguished Assemblage.

Washington, Nov. 10.—The formal opening of the army war college was made the occasion of simple ceremonies in the building dedicated to that institution. Secretary Root, under whose administration of the war department the great institution for military instruction was inaugurated seven years ago; General J. Franklin Bell, chief of staff, and General W. M. Witherspoon, president of the college, addressed a distinguished company, consisting of high officials of the government, members of the diplomatic corps and officers of the army, navy and marine corps, concerning the history and purposes of the institution. Secretary of War Wright and Assistant Secretary Oliver were present.

## WOMAN BLACK HAND

Captured in Act of Attempting to Extort \$10,000 From Victim.

Denver, Colo., Nov. 10.—A woman giving her name as Mrs. H. C. Cones compelled Mrs. Genevieve Chandler Phipps, divorced wife of Lawrence Phipps, the Pittsburgh millionaire, to take her in her automobile to a bank for the purpose of getting \$10,000 that she demanded of Mrs. Phipps on pain of being blown to pieces with dynamite. At the bank Mrs. Cones was overpowered by special officers and placed under arrest.

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